

BASIS FOR THE AMENDMENT

Claim 2 has been cancelled. The limitations of Claim 2 was incorporated into Claims 1, 12, 18 and 19.

No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 1, 3-14 and 16-20 will now be active in this application. Claims 19 and 20 are withdrawn from consideration as being drawn to non-elected subject matter.

REMARKS

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The present invention as set forth in **amended Claim 1** relates to an external additive for a toner for electrophotography comprising:

oxide fine particles which contain silicon, wherein the oxide fine particles have a primary particle diameter of **50 nm to 170 nm** in number average, **a standard deviation σ of a particle size distribution of the primary particle diameter satisfies a relation of: $R/4 \leq \sigma \leq R$** , in which the R expresses the primary particle diameter, the oxide fine particles are substantially spherical having a circularity SF1 of 100 to 130 and a circularity SF2 of 100 to 125, the circularity SF1 is defined as an equation (1) and the circularity SF2 is defined as an equation (2);

$$SF1 = (L^2/A) \times (\pi/4) \times 100 \quad \text{equation (1)}$$

$$SF2 = (P^2/A) \times (1/4\pi) \times 100 \quad \text{equation (2)}$$

wherein "L" expresses the absolute maximum length of the oxide fine particles; "A" expresses a projected area of the oxide fine particles; and "P" expresses a maximum perimeter of the oxide fine particles.

Further, the rejection of Claims 1, 3 and 4 over Barder (US 4,983,369) is obviated by the amendment of Claim 1 which includes the limitations of Claim 2 which was not rejected over this reference.

The rejections over Shibasaki, Shibasaki/Yamashita, Takano/Shibasaki and Takano/Shibasaki/Kuramoto (items 13-16 of the Office Action of October 4, 2007) are obviated by the amendment of the independent claims. Notably the limitations of Claim 2

were included in the independent claims. Claim 2 was not rejected over the combination of Shibasaki, Shibasaki/Yamashita, Takano/Shibasaki and Takano/Shibasaki/Kuramoto.

The rejection over Konya (US 2003/0044706) combining with Yamashita, Ishiyama and Kuramoto is traversed.

Applicants are filing herewith **a Rule 132 Declaration** showing that Konya does not satisfy the requirement of the present invention. Notably, the **relation of: $R/4 \leq \sigma \leq R$** (as claimed in the independent claims) is not satisfied in Konya.

Yamashita, Ishiyama and Kuramoto do not cure the defects of Konya (US 2003/0044706).

Thus, the rejection over Konya (US 2003/0044706) combining with Yamashita, Ishiyama and Kuramoto should be withdrawn.

Finally, Applicants note that MPEP §821.04 states, "if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined." Applicants respectfully submit that should the elected group be found allowable, the non-elected claims should be rejoined.

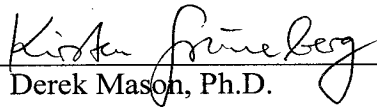
This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

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